IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

WP(C).No. 34064 of 2007(E)

PETITIONER:

AMAL SIDDHARTH, AGED 14,
REP. BY FATHER AS NEXT FRIEND AND GUARDIAN,
SRI.SIDDHARTHAN T., THATTARACKAL HOUSE,
P.O. KARAPARAMBA, CALICUT-673010.

BY ADV. SRI.A.RANJITH NARAYANAN
SRI.S.K.SAJU

RESPONDENTS:
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1. STATE OF KERALA,
REP. BY SECRETARY, GENERAL EDUCATION DEPARTMENT,
THIRUVANANTHAPURAM.

2. DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

3. DISTRICT EDUCATIONAL OFFICER, KOZHIKODE.

4. CONVENER,
STATE LEVEL 'KERALA SCHOOL WORK EXPERIENCE FAIR',
THODUPUZHA.

BY GOVERNMENT PLEADER I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/11/2007, ALONG WITH WP(C) NO.34065 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) Nos. 34064 & 34065 OF 2007

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Dated this the 19th day of November, 2007

J U D G M E N T

The participants in the Kerala School Work Experience Fair in the District level are the petitioners.

2. The petitioner in WP(C) 34064/07 was a participant in item "**domestic wiring**", in which by Ext.P1 he was awarded 2nd rank with A grade. The only ground on which the assignment of the first rank is sought to be assailed is that the first rank holder had prior information of the item that would be given for competition and that the concerned student had brought prefabricated objects for his project. The writ petition does not disclose the basis on which this allegation is made and when I asked the counsel for the writ petitioner the question as to how he would support this contention, the counsel was fair to submit that this is purely a hearsay information and that there was no documentary or other evidence in support of this. Therefore, I am not in a position to entertain the plea raised in WP(C) No.34064/07.

3. In so far as W.P.(C) No.34065/07 is concerned, the petitioner was a participant in Mathematics Single Project and was assigned rank No.2 with A grade. The allegation is that the first rank holder did not answer all questions and despite failing to answer all questions, put forward by the Judging Committee, the participant was given first rank. The petitioner doubts foul play in the rank. I am not persuaded to agree with the counsel. It is the relative performance that is taken into account when rank is given. On the basis of the relative performance, if the first rank holder has come out successful, his ranking cannot be impugned only on the ground that he did not answer all questions. Therefore, I am not inclined to agree with the counsel in this submission either.

4. It is submitted that the manual which governs the conduct of the meet as also the assessment of candidates do not provide for any appellate remedy. It is true that the manual does not provide for an appellate remedy. But the absence of appellate remedy by itself will not invalidate the manual or an action that is taken in terms of the manual. In any case,

petitioners are always at liberty to approach this court for a judicial review, if they are aggrieved and have their grievance redressed.

Writ petitions fails and are dismissed.

ANTONY DOMINIC, JUDGE

Rp